IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE V.ESWARAIAH

Writ Petition No.4487 of 2007
DATED 6-3-2007

BETWEEN
Gonuboina Pedaveerraju and another.

.. Petitioners

And

The Agent to the Government,
East Godavari District, Kakinada and 5 others.

.. Respondents

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.4487 of 2007

ORDER:

This writ petition is filed to declare G.O.Ms.No.193 Revenue Department dated 17.4.2002 as illegal, unjust and improper.

It is stated that on a case viz., LTRP No.34 of 2004 being filed by the Special Deputy Tahsildar (Tribal Welfare), Devipatnam, East Godavari District, the 4th respondent under Section 3 of the A.P. Schedule Areas Land Transfer Regulations, 1959 as amended by Regulation 1 of 1970 (hereinafter, referred to as 'Regulation 1 of 1970') for restoration of the petition schedule land in survey No.371-2 admeasuring Ac.1.48 cents situate in Indukuru Village, Devipatnam Mandal, East Godavari District, the Special Deputy

Collector has enquired into the matter and dismissed the same. Aggrieved by the said order, the 4th respondent filed C.M.A.No.82 of 2005 before the Additional Agent to the Government, East Godavari, the 2nd respondent herein. The said appeal was allowed ordering eviction of the father of the petitioners viz., Ganuboina Gangaraju from the said land holding that the possession and enjoyment of the said land by him is null and void and is in violation of the provisions of Regulation 1 of 1970. Aggrieved by the same, the petitioners, who are the sons of the said Gangaraju, filed a revision before the Government on 20.2.2007. Admittedly, the said revision is still pending on the file of the Minister for Tribal Welfare, Government of Andhra Pradesh. As the petitioners question, by way of this writ petition, the action of the Government in issuing G.O.Ms.No.193 Revenue Department dated 17.4.2004 conferring the appellate jurisdiction on the Additional Agent to the Government, I am of the opinion that having not taken any such objection before disposing of the appeal, it may not be just and proper for the petitioners to raise the said legal issue now, more so when they have already filed a revision before the Government and it is open for the petitioners to question the power and authority of the Government in issuing the said G.O conferring the power on the Additional Agent to the Government in the revision petition.

Insofar as the merits of the case are concerned, without expressing any opinion on the legal and factual contentions of the petitioners, the writ petition is disposed of directing the 6th respondent to consider and dispose of the revision filed by the petitioners on 20.2.2007 and pending the same, the petitioners shall not be dispossessed from the lands in question.

No costs.

V.ESWARAIAH,J

Dt.6.3.2007
Note: Furnish CC in 2 days.
(B/o)
msv